

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHRISTINE McGLOTHLEN,

Defendant.

CASE NO. 8:08CR183

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's motion for release pending appeal (Filing No. 146).

The Defendant, Christine McGlothlen, pleaded guilty to a one-count Indictment charging her with possession with intent to deliver 50 grams or more of a mixture or substance containing methamphetamine, in violation of 18 U.S.C. § 841. On February 8, 2010, McGlothlen was sentenced below her sentencing guideline range to 18 months imprisonment and 5 years supervised release. The statutory maximum for the offense is 40 years. The statutory minimum of 5 years did not apply because McGlothlen received the benefit of the safety valve. McGlothlen is on release pending self surrender. McGlothlen's motion states, apparently in error, that release pending appeal is requested under 18 U.S.C. § 3143(b)(2).

The Bail Reform Act provides that, because McGlothlen has been found guilty of a crime with a 40-year maximum penalty, she must be detained on appeal. 18 U.S.C. § 3143(b)(2); 18 U.S.C. § 3142(f)(1)(C). The “exceptional reasons” raised by McGlothlen’s counsel under 18 U.S.C. § 3145(c) are irrelevant because of her required detention due to the 40-year maximum penalty, and also because defense counsel relies on § 3145(c),

which addresses an appeal of a release or detention order. Section 3145(c) does not address McGlothlen's current situation.

Accordingly,

IT IS ORDERED that the Defendant's motion for release pending appeal (Filing No. 146) is denied.

DATED this 10th day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge